

EXHIBIT A

E-FILED 2014 JUN 02 8:59 AM POLK - CLERK OF DISTRICT COURT

eForm 3.1: *Original Notice and Petition for a Money Judgment*

In the Iowa District Court for Polk County

Plaintiff(s)

Stacy L. Hartkopf

(Name)

c/o L. Ashley Zubal, Marks Law Firm, P.C.

(Address)

4225 University Ave

(Address)

Des Moines, Iowa 50311

(Address)

VS.

Defendant(s)

West Asset Management, Inc.

(Name)

Corporation Service Company

(Address)

505 5th Avenue, Suite 729

(Address)

Des Moines, IA 50309

(Address)

**Original Notice and Petition for a
Money Judgment**

To Defendant(s):

1. **You are notified** that Plaintiff(s) demand(s) from you the amount of \$5,000.00 plus court costs based on (state briefly the basis for the demand, not to exceed \$5000.00): The Defendant illegally attempted to collect a debt in violation of the Fair Debt Collection Practices Act including but not limited to 15 U.S.C. §§ 1692c(a)(1), c(a)(2) e(a)(2), e(10) and f; and in violation of the Iowa Debt Collection Practices Act including but not limited to Iowa Code §§ 537.7103(2)(b), 4(e) and 5(e). Plaintiff is seeking statutory damages, actually damages, attorney fees and costs

2. **Judgment may be entered against you unless** you file an Appearance and Answer within **20 days** of the service of the Original Notice upon you. Judgment may include the amount requested plus interest and court costs.

3. You must electronically file the Appearance and Answer using the Iowa Judicial Branch Electronic Document Management System (EDMS) at <https://www.iowacourts.state.ia.us/EFile>, unless you obtain from the court an exemption from electronic filing requirements.

4. If your Appearance and Answer is timely filed and you deny the claim, you will receive electronic notification through EDMS of the time and place for the hearing on this matter.

5. If you electronically file, EDMS will serve a copy of the Appearance and Answer of Plaintiff(s) or on the attorney(s) for Plaintiff(s). The Notice of Electronic Filing will indicate if Plaintiff(s) is (are) exempt from electronic filing, and if you must mail a copy of your Appearance and Answer to Plaintiff(s).

6. You must also notify the clerk's office of any address change.

/s/ L. Ashley Zubal

L. Ashley Zubal

Marks Law Firm, P.C.

4225 University Ave

Des Moines, IA 50310

Tel. 515-276-7211

Fax. 515-276-6280

Ashley@markslawdm.com

Attorney for Plaintiff

STATE OF IOWA JUDICIARY

Case No. SCSC556630

County Polk

Case Title STACY HARTKOPF VS WEST ASSET MANAGEMENT INC

THIS CASE HAS BEEN FILED IN A COUNTY THAT USES ELECTRONIC FILING.

Therefore, unless the attached Petition and Original Notice contains a hearing date for your appearance, or unless you obtain an exemption from the court, you must file your Appearance and Answer electronically.

You must register through the Iowa Judicial Branch website at <http://www.iowacourts.state.ia.us/Efile> and obtain a log in and password for the purposes of filing and viewing documents on your case and of receiving service and notices from the court.

FOR GENERAL RULES AND INFORMATION ON ELECTRONIC FILING, REFER TO THE IOWA COURT RULES CHAPTER 16 PERTAINING TO THE USE OF THE ELECTRONIC DOCUMENT MANAGEMENT SYSTEM:

<http://www.iowacourts.state.ia.us/Efile>

FOR COURT RULES ON PROTECTION OF PERSONAL PRIVACY IN COURT FILINGS, REFER TO DIVISION VI OF IOWA COURT RULES CHAPTER 16: <http://www.iowacourts.state.ia.us/Efile>

Scheduled Hearing:

If you require the assistance of auxiliary aids or services to participate in court because of a disability, immediately call your district ADA coordinator at (515) 286-3394 . (If you are hearing impaired, call Relay Iowa TTY at 1-800-735-2942.)

Date Issued 06/02/2014 10:52:03 AM



District Clerk of Polk

County

/s/ Lynda Enos

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1. The Plaintiff, Stacy L. Hartkopf, is a "debtor" as that term is defined by Iowa Code § 537.7102(6) and 15 U.S.C. § 1692a(3).
2. The Defendant, West Asset Management, Inc. ("West Asset"), is a "debt collector" as defined by Iowa Code § 537.7102(5) and 15 U.S.C. § 1692a(6).
3. The Plaintiff allegedly incurred a "debt," to a creditor, as that term is defined by Iowa Code § 537.7102(3) and 15 U.S.C. § 1692a(5).
4. Sometime thereafter, the debt was assigned, placed or otherwise transferred to Defendant for collection.
5. The debt in question is less than \$25,000.
6. On or about May 02, 2014, a male representative of the Defendant placed a collection call to the Plaintiff's cell phone. The representative was calling to speak to the Plaintiff in an attempt to collect a debt. The Plaintiff advised the representative that she had retained an attorney for the purpose of filing for bankruptcy. She provided the representative with her attorney's name and contact information and requested the Defendant contact her attorney and to cease attempts to communicate with her directly. The representative advised the Plaintiff she would still owe the debt until the bankruptcy was filed. The Plaintiff indicated that she understood but as she retained an attorney the Defendant needed to direct all future communications to her attorney and ended the call.
7. The Plaintiff continued to receive calls from Defendant, subsequent to the attorney information being provided, on the following dates: May 05, 2014; May 08, 2014; May 15, 2014; May 19, 2014, May 22, 2014, and May 27, 2014.
8. On or about May 15, 2014, the Plaintiff received a collection call from a female representative of the Defendant. The representative was calling to speak with the Plaintiff in an attempt to collect a debt. The Plaintiff advised the representative that she had already notified the Defendant that she had retained an attorney for the purpose of filing for bankruptcy and had provided her attorney's name and contact information. The representative indicated she did not see the phone number for the attorney in their system and therefore the dialer had not stopped calling the Plaintiff. The Plaintiff again provided her attorney's name and contact information to the representative and requested the Defendant contact her attorney and to cease calling her.
9. On or about May 27, 2014, the Plaintiff again received a collection call from a male representative of the Defendant. The male was calling to speak with the Plaintiff in an attempt to collect a debt. The Plaintiff explained to the representative that she had advised the Defendant on two previous occasions to cease calling, that she had also provided her attorney's name and contact information and requested the Defendant contact her attorney. The Plaintiff indicated that she was at work and could not speak. The representative acknowledged the Plaintiff's statements but indicated that he needed to verify some information relating to the Plaintiff. The representative continued to push the Plaintiff for information after she again provided her attorney information

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and after stating she could not talk as she was at work. The Plaintiff eventually hung up on the representative while he continued to request information from her.

10. The Defendant violated 15 U.S.C. § 1692f by attempting to collect a debt through unconscionable means.
11. The Defendant violated Iowa Code § 537.7103(2)(b) by causing a telephone to ring or engaging the Plaintiff in telephone conversation or during a time or location known to be inconvenient with the intent to annoy, harass or abuse the Plaintiff.
12. The Defendant violated 15 U.S.C § 1692c(a)(1) through communication with the Plaintiff at a time or place known or which should be known to be inconvenient.
13. The Defendant violated Iowa Code § 537.7103(4)(e) and 15 U.S.C § 1692e(2)(A) through a false representation of the character, amount, or legal status of the debt.
14. The Defendant violated Iowa Code § 537.7103(5)(e) and 15 U.S.C § 1692c(a)(2) by continuing to attempt to collect by placing collection calls to the Plaintiff's cell phone when the Defendant knew the Plaintiff was represented by an attorney and that attorney's contact information was known or could be easily ascertained.
15. The Defendant violated 15 U.S.C. § 1692e(10) through use of any false representation or deceptive means to collect or attempt to collect any debt.
16. The Plaintiff is entitled to statutory damages ranging from \$100.00 to \$1000.00 for Defendant's violations of the Iowa Debt Collection Practices Act pursuant to Iowa Code § 537.5201(1)(y).
17. The Plaintiff is entitled to statutory damages in the amount of \$1,000.00 for Defendant's violations of the Federal Fair Debt Collection Practices Act pursuant to 15 U.S.C. § 1692k(a)(2)(A).
18. The Plaintiff is entitled to recover actual damages for Defendant's violations of the Iowa Debt Collection Practices Act and the Fair Debt Collection Practices Act pursuant to Iowa Code § 537.5201(1)(y) and 15 U.S.C. § 1692k(a)(1) respectively.
19. The Plaintiff is entitled to an award of the costs of this action and reasonable attorney fees for Defendant's violations of the Iowa Debt Collection Practices Act and Fair Debt Collection Practices Act pursuant to Iowa Code § 537.5201(8) and 15 U.S.C. § 1692k(a)(3) respectively.

POLK COUNTY CLERK OF COURT
POLK COUNTY CLERK OF COURT
SUITE 100
500 SW 7TH ST
DES MOINES, IA 50309-4506



Return Receipt (Electronic)

9214 8901 0661 5400 0033 7895 34

SC556630

WEST ASSET MANAGEMENT INC
CORPORATION SERVICE COMPANY
505 5TH AVENUE SUITE 729
DES MOINES, IA 50309

CUT / FOLD HERE

6"x9" ENVELOPE
CUT / FOLD HERE

CUT / FOLD HERE

CERTIFIED MAIL

POLK COUNTY CLERK OF COURT
POLK COUNTY CLERK OF COURT
SUITE 100
500 SW 7TH ST
DES MOINES, IA 50309-4506



Return Receipt (Electronic)

9214 8901 0661 5400 0033 7895 34

Hasler

06/03/2014

US POSTAGE

FIRST-CLASS MAIL

\$05.13⁰



ZIP 50309
011D12602903

SC556630

WEST ASSET MANAGEMENT INC
CORPORATION SERVICE COMPANY
505 5TH AVENUE SUITE 729
DES MOINES, IA 50309

